

AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions and listings of claims in the application.

**LISTING OF CLAIMS**

1. (currently amended) A scroll machine comprising:

a shell defining a discharge chamber;

a first scroll member having a first spiral wrap projecting outwardly from a first end cap;

a second scroll member having a second spiral wrap projecting outwardly from a second end cap, said second spiral wrap being intermeshed with said first spiral wrap;

a drive member for causing said scroll members to orbit relative to one another whereby said spiral wraps will create pockets of progressively changing volume between a suction pressure zone and a discharge pressure zone, said discharge pressure zone being in communication with said discharge chamber; and

a discharge valve assembly disposed between said discharge pressure zone and said discharge chamber, said discharge valve assembly being disposed within a recess formed by said first scroll member, said discharge valve assembly being movable between a first, a second, and a third position, wherein:

said first position is a closed position where said discharge valve assembly abuts a bottom surface of said recess and fluid flow between said discharge chamber and said discharge pressure zone is prohibited;

said second position is an open position where said discharge valve assembly abuts said bottom surface of said recess and fluid flow between said discharge chamber and said discharge chamber and said discharge pressure zone is permitted at a first flow level; and

said third position is an open position where said discharge valve assembly is spaced from said bottom surface of said recess and fluid flow between said discharge chamber and said discharge pressure zone is permitted at a second flow level greater than said first flow level.

2. (currently amended) The scroll machine according to Claim 1, wherein said discharge valve assembly moves axially with respect to said first scroll member.

3. (currently amended) The scroll machine according to Claim 1, wherein fluid flows around an outer periphery of said discharge valve assembly when said discharge valve assembly is in said third position.

4. (currently amended) The scroll machine according to Claim 1, wherein a passage between said first scroll member and said discharge valve assembly is opened when discharge valve assembly moves from said second position to said third position.

5. (currently amended) The scroll machine according to Claim 1, wherein said discharge valve assembly comprises a valve plate and a valve stop.

6. (currently amended) The scroll machine according to Claim 5, wherein said valve plate moves with respect to said valve stop when discharge valve assembly moves from said first position to said third position.

7. (currently amended) The scroll machine according to Claim 5, wherein said valve plate moves with respect to said first scroll member when said discharge valve assembly moves from said second position to said third position.

8. (currently amended) The scroll machine according to Claim 1, wherein said discharge valve assembly comprises a valve seat and a valve plate.

9. (currently amended) The scroll machine according to Claim 8, wherein said valve plate moves with respect to said valve seat when said discharge valve assembly moves from said first position to said second position.

10. (currently amended) The scroll machine according to Claim 8, wherein said valve plate moves with respect to said first scroll member when said discharge valve assembly moves from said second position to said third position.

11. (currently amended) The scroll machine according to Claim 1, wherein said discharge valve assembly comprises a valve seat, a valve plate and a valve stop.

12.-13. (cancelled)